

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN AMERICAN FEDERATION OF
STATE COUNTY AND MUNICIPAL
EMPLOYEES, COUNCIL 25, AFL-CIO AND
ITS AFFILIATED LOCAL 1640,

Plaintiff,

vs.

Case No. 08-CV-12495
HON. GEORGE CARAM STEEH

MATRIX HUMAN SERVICES, VISTA NUEVAS
HEAD START AND PRESIDENT/CHIEF
EXECUTIVE OFFICER, DR. MARCELLA
WILSON,

Defendants.

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ORDER DISMISSING SHOW CAUSE ORDER (#7)

Defendants Matrix Human Services, Vista Nuevas Head Start, and President/Chief Executive Officer Dr. Marcella Wilson were ordered on June 16, 2008 to show cause by June 23, 2008 why this matter should not be remanded to Michigan's Wayne County Circuit Court for lack of jurisdiction to the extent defendants invoked 29 U.S.C. § 185 as a defense to the plaintiff's claim for "equitable relief" in state court, and to the extent courts have held that a federal court lacking authority under 29 U.S.C. § 101 of the Norris-LaGuardia Act to grant injunctive relief should remand to state court. Defendants filed a timely response on June 19, 2008 citing inter alia Aluminum Workers International Union, AFL-CIO, Local Union No. 215 v. Consolidated Aluminum Corp., 696 F.2d 437, 441-42 (6th Cir. 1982) (citing The Boys Markets v. Retail Clerks Union, 398 U.S. 235 (1970) for the proposition

that federal district courts enjoy authority under a "narrow exception" of the Norris-LaGuardia Act to enjoin "employer behavior which has the effect of evading a duty to arbitrate or which would otherwise undermine the integrity of the arbitral process."). Defendants have shown cause why this matter should not be remanded for lack of jurisdiction. Accordingly,

That part of the court's June 16, 2008 Order requiring the defendants to show cause why this matter should not be dismissed for lack of jurisdiction is hereby DISMISSED. The June 16, 2008 Order otherwise remains in force and effect.

SO ORDERED.

Dated: June 27, 2008

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on June 27, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk